

Under Rule 41(b) of the Federal Rules of Civil Procedure, a case may be dismissed upon a determination of a "clear record of delay or willful contempt and a finding that lesser sanctions would not suffice." *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985). Litigants proceeding *pro se* are not exempt from this requirement of diligent prosecution. *Moon v. Newsome*, 863 F.2d 835 (11th Cir. 1989). The court's inherent power to dismiss cases in which

the plaintiff has failed to diligently prosecute his action "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962).

A review of this entire action reveals a clear record of delay or willful contempt on the part of the plaintiff. Over two (2) years have passed since the plaintiff's last, and only, contact with the court, when plaintiff filed his complaint herein. The court finds that lesser sanctions will not suffice. Inasmuch as the plaintiff has failed to respond to the defendants' Motion to Dismiss and has failed to proceed in any substantive way with the litigation of this lawsuit in the last year, it is the recommendation of the undersigned that this action be **DISMISSED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable Hugh Lawson, United States District Judge, WITHIN FOURTEEN (14) DAYS of receipt thereof.

SO RECOMMENDED, this 17th day of June, 2010.

S/ THOMAS Q. LANGSTAFF

**THOMAS Q. LANGSTAFF
UNITED STATES MAGISTRATE JUDGE**

asb